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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Satoshi Iwata

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STAAS & HALSEY LLP

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EXAMINER

BARQADLE, YASIN M

ART UNIT

PAPER NUMBER

2456

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/812,850	Applicant(s) IWATA ET AL.	
	Examiner YASIN M. BARQADLE	Art Unit 2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 27, 2009 has been entered.

Response to Amendment

2. The amendment filed on April 27, 2009 has been fully considered but are moot in view of the new grounds of rejection.

- Claim 26-27 are presented for examination.

Response to Arguments

In essence the Applicant argues “neither Taki nor Ono teaches, discloses or suggests “extracting sizes of the character’s fonts from said data file, creating plurality of layered intermediated data files from the data file in accordance with the extracted sizes of the character's fonts where each of said intermediate data files have characters with font sizes larger than a

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predetermined threshold value for each of said intermediate data files, and transmitting the intermediate data files in a hierarchical order” pages 5-10.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Taki shows portable server retrieving document information (characters or pictures) from a document file (document characters inherently are associated with font and sizes (abstract and paragraphs 61-64) where the document information is divided into blocks and frames (paragraphs 61-64) and transmitting the document information (sizes of character's fonts made of blocks) one-page amount by one-page amount and displaying it on a portable viewer 300 (abstract). While Ono show extracting sizes of a character's fonts (character strings such “TITLE”, a clue phrase, a header line, a KWIC line from document pages (col. 6, lines 1-12) where (“header line include, for example: <H1> . . . </H1> <H2> . . . </H2> <H3> . . . </H3> . . . <BIG> . . . </BIG> . . . ” (col. 8, lines 6-13). Ono Further teaches ,” the title of each page and the headers of chapters and sections in which the link is located within the page belongs are extracted sequentially from those pages whose order is higher.” For instance, "<H1> . . . </H1>" is a tag having a scope and specifies to display the character string between them by the usable largest fonts.” (Col. 10, lines 53-55). Therefore, it

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is clear that character strings in <TITLE> . . . </TITLE>, or "<H1> . . . </H1>" of each page extracted from hierarchical pages thus obtained are represented hierarchically. It is noted that the extracted characters strings represent size of usable largest fonts as indicated above. Thus the generated intermediate files have characters with font sizes larger than predetermined threshold value (see fig. 23 and 24; col. 8, lines 32-56).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Taki Kazuya Japanese Publication Number (JP11215175, hereinafter "Taki") in view of Ono et al (6742163), hereinafter "Ono"

Regarding claims 26 and 27, Taki teaches A portable electronic viewer system (abstract and fig. 1) comprising:

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a portable server (fig. 1, 200) extracting (retrieve) sizes of a character's fonts from a data file (abstract and paragraphs 61-64 blocks or frames of the document file are retrieved and transmitted to portable viewer (document characters inherently are associated with font and sizes)), creating a plurality of layered intermediate data files from the data file (document information is divided into blocks and frames. See paragraphs 61-64) in accordance with the extracted (retrieved) sizes of the character's fonts, and transmitting the intermediate data files in a hierarchical order (translated paragraphs 34, lines 1-5 and paragraph 37, lines 3-5. See also paragraphs 61-64); and

a portable viewer (fig. 1, 300) displaying one of said intermediate data files transmitted from said portable server every time the one of the intermediate data files is transferred (receiving transmitted characters (document information) one-page amount by one-page amount and displaying the information)(see also translated paragraphs 34 and 72).

Although Taki shows substantial features of the claimed invention, Taki does not explicitly show extracting character's fonts where each intermediate data files have characters larger than a predetermined threshold value.

Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Taki as evidenced by Ono.

In analogous art, Ono discloses extracting sizes of a character's fonts (character strings such "TITLE", a clue phrase, a header line, a KWIC line are

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extracted from document pages (col. 6, lines 1-12) (Fig. 23 and 24 show an example of representation of character strings extracted from a document page (see also the abstract) where each intermediate data files have characters larger than a predetermined threshold value (col. 8, lines 32-56). Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Taki so as to extract specified characters from a data file and presenting them in a hierarchically displayable format.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yasin M Barqadle/

Primary Examiner, Art Unit 2456